

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE CIVIL JURISDICTION

FIRST APPEAL NO.381 of 1989
WITH
CROSS OBJECTION(st)NO.1338/2005

The State of Maharashtra ...Appellant
V/s.

Shri Goma Likarya Bhende
Since deceased though his
legal heirs:

1A. Shri Shantaram G. Bhende & others ...Respondents

Ms.G.P.Mulekar, AGP for the State
Mahendra Agrekar i/b. N.B.Shah for respondent nos. 2 to
5 and 7 to 10

CORAM : ANOOP V. MOHTA,J.

DATED : 23rd June, 2008

JUDGMENT

. This is a State Appeal filed against the order dated 9-6-1988 passed by the District Judge, Raigad enhancing the compensation at the rate of Rs.6/- per square metre and at the rate of Rs. 8/- per square metre based upon the nature and situation of the respective land in question. There is a cross objection filed by the original claimant and claimed the enhanced rate of compensation at the rate of Rs. 30/- per sq. metre. The learned Judge while considering the reference under Section 18 of the Land Acquisition Act based upon the material available on record and after considering the judgment passed by the High Court in

First Appeal No. 4/1985 dated 10-3-1987 in respect of land at Kamothe village by observing further that land in question is rather away from those lands and they are comprised in several groups and are scattered from each other, therefore, awarded the said rate to respective lands. The assessment so made for want of contra material need no interference.

2. The claim of enhancement so made by the original claimant is not supported by any material evidence and as the reasoning given by the District Judge based upon the Judgment and reasoning given by the High Court as referred above, I see no case made out by the original claimant for enhancement as prayed.

3. In totality, therefore, both the appeals filed by the appellant, as well as, respondent-claimants are dismissed with no costs.

[ANOOP V. MOHTA,J.]